

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JOSEPH G. SCHWAB,

Plaintiff,

3:11-cv-00785-CL

v.

ORDER

DANIEL STATON, et al.,

Defendants.

AIKEN, District Judge.

Plaintiff's response to defendants' summary judgment was due on April 22, 2013, but plaintiff has not filed anything since April 6, 2012. The last order mailed to him was returned as undeliverable on February 4, 2013. Plaintiff's address of record is the Oregon State Correctional Institution, but the DOC website indicates that he is no longer incarcerated.

Pursuant to Local Rule 83.10, a party not represented by counsel has a "continuing duty to notify, the clerk's office whenever they change their mailing address or telephone number." When mail from the court to a party cannot be

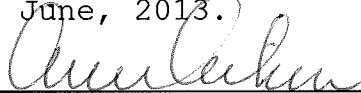
delivered due to the lack of a current address, and the failure continues for sixty (60) days, the court may dismiss the action. Local Rule 83.12.

This action is dismissed for failure to comply with the requirements of L.R. 83.10 and for failure to prosecute. Defendants' Motion for Summary Judgment (#43) is denied as moot. The Clerk of the court is directed to dismiss this action with prejudice.

IT IS SO ORDERED.

Any appeal from this order or judgment of dismissal would be frivolous and not taken in good faith.

DATED this 17 day of June, 2013.



Ann Aiken
United State District Judge